

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

SIXTA GLADYS PEÑA MARTINEZ <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:18-cv-01206-WGY
)	
ALEX M. AZAR II, Secretary, United States)	
Department of Health and Human Services,)	
in his official capacity <i>et al.</i>,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' UNOPPOSED RULE 58(D) MOTION FOR
ENTRY OF JUDGMENT IN A SEPARATE DOCUMENT**

Defendants hereby respectfully request the Court to enter judgment pursuant to Federal Rule of Civil Procedure 58(d), and state as follows:

1. Fed. R. Civ. P. 58(d) provides: “A party may request that judgment be set out in a separate document as required by Rule 58(a).” In turn, Rule 58(a) provides in relevant part that “[e]very judgment and amended judgment must be set out in a separate document.”

2. On August 4, 2020, this Court entered summary judgment in Plaintiffs’ favor in a written opinion. Findings of Fact, Rulings of Law, and Order, ECF No. 97. That opinion states that “judgment shall enter for the Plaintiffs on all counts.” *Id.* at 69.

3. Defendants plan to file a notice of appeal and a stay pending appeal in short order.

4. Accordingly, Defendants respectfully request that the Court enter judgment in a separate document pursuant to Fed. R. Civ. P. 58.

5. Plaintiffs do not oppose the relief requested in this motion.

WHEREFORE, Defendants respectfully request that their motion for entry of judgment in a separate document pursuant to Fed. R. Civ. P. 58(d) be granted. A proposed order is

attached hereto.

Dated: September 10, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

ERIC WOMACK
Assistant Branch Director

/s/ Daniel Riess
DANIEL RIESS
Trial Attorney
U.S. Department of Justice
Civil Division
1100 L Street, NW
Washington, D.C. 20005
Telephone: (202) 353-3098
Fax: (202) 616-8460
Email: Daniel.Riess@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will automatically send notifications of this filing to all attorneys of record.

/s/ Daniel Riess
Daniel Riess